

WAYNE BERRY,

Plaintiff,)

VS.)

HAWAII EXPRESS SERVICE, INC., et al)

Defendants.)

)

) (Copyright)

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) FOR THE FLEMING COMPANIES,

) TO EXCLUDE THE MAY 5, 2003

) EMAIL FROM RON GRIFFIN TO

) BRIAN CHRISTIANSEN

(

) DATE: January 20, 2006

) TIME: 2:00 p.m.

) JUDGE: Honorable Susan O. Mollway

) Trial Date: January 24, 2006

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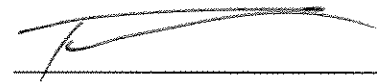
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COMES NOW Defendant the Post-Confirmation Trust for the Fleming Companies, Inc. ("PCT") by and through its attorneys, Kobayashi, Sugita & Goda, and hereby moves this Honorable Court in limine for an Order barring Plaintiff Wayne Berry from introducing or in any way referring to an email message dated May 5, 2003 from Ron Griffin and addressed to Brian Christiansen.

This motion is based upon Rule 7 of the Federal Rules of Civil Procedure and Rules 401 and 402 of the Federal Rules of Evidence, and is supported by the Memorandum in Support of Motion, Declaration of Lex R. Smith, and Exhibits attached hereto and the records and files herein.

Dated: Honolulu, Hawaii, January 3, 2006.

KOBAYASHI, SUGITA & GODA



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LEX R. SMITH
THOMAS H. YEE
Attorneys for Defendant
THE POST CONFIRMATION
TRUST FOR THE FLEMING
COMPANIES, INC.

and

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Trust for Fleming Companies, Inc.